

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

CAMOFI MASTER LDC,

Plaintiff,

v.

GLOBAL AXCESS CORP,

Defendant.

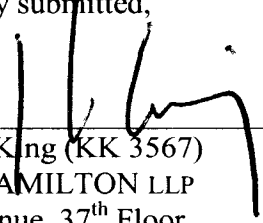
NO. 07 CIV 9317

**NOTICE OF MOTION FOR  
ADMISSION OF JAMES H.  
CUMMINGS *PRO HAC VICE***

PLEASE TAKE NOTICE that upon the accompanying Affidavit of Kenneth J. King, Esquire, executed on 11/29/07, and the exhibits annexed thereto, Global Axcess Corp will move this Court, before the Honorable Harold Baer, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, on such date and at such time to be set by the Court, for an Order granting James H. Cummings admission to this Court to argue and try the above-captioned action, in whole or in part, on behalf of Global Axcess Corp, pursuant to Local Civil Rule 1.3(c) of the United States District Court for the Southern District of New York.

Dated: November 29, 2007

Respectfully submitted,

By:   
Kenneth J. King (KK 3567)  
PEPPER HAMILTON LLP  
620 8<sup>th</sup> Avenue, 37<sup>th</sup> Floor  
New York, NY 10018-1405  
(212) 808-2700

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CAMOFI MASTER LDC,	:	NO. 07 CIV 9317
	:	
Plaintiff,	:	
	:	
v.	:	<b>MOTION FOR</b>
	:	<b>ADMISSION OF JAMES H.</b>
	:	<b>CUMMINGS <i>PRO HAC VICE</i></b>
	:	
GLOBAL AXCESS CORP,	:	
	:	
Defendant.	::	

PURSUANT TO LOCAL RULE 1.3(c) of the Local Rules of the United States

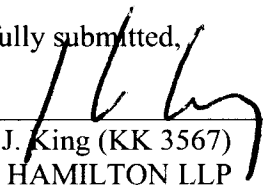
District Courts for the Southern and Eastern Districts of New York, I, Kenneth J. King, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of

James H. Cummings, Esq.  
Smith, Gambrell & Russell, LLP  
50 North Laura Street, Suite 2600  
Jacksonville, Florida 32202  
Phone: (904) 598-6127  
Fax: (904) 598-6227  
[jcummings@sgrlaw.com](mailto:jcummings@sgrlaw.com)

James H. Cummings is a member in good standing of the Florida Bar. There are no pending disciplinary proceedings against James H. Cummings in any State or Federal Court.

Dated: 11/29/07  
City, State: New York, NY

Respectfully submitted,

  
\_\_\_\_\_  
Kenneth J. King (KK 3567)  
PEPPER HAMILTON LLP  
620 Eighth Avenue, 37<sup>th</sup> Floor  
New York, NY 10018-1405  
(212) 808-2700

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CAMOFI MASTER LDC,

Plaintiff,

V.

GLOBAL ACCESS CORP.

Defendant.

NO. 07 CIV 9317

**AFFIDAVIT IN SUPPORT OF  
MOTION FOR  
ADMISSION OF JAMES H.  
CUMMINGS *PRO HAC VICE***

Kenneth J. King, Esquire, being duly sworn, deposes and says:

1. I am a member of the bar of this Court and a partner at Pepper Hamilton LLP, counsel for Defendant Global Axxess Corp (“Global Axxess”) in this action. I submit this affidavit in support of Global Axxess’ application for an order granting James H. Cummings *pro hac vice* admission to this Court to argue and try the above-captioned action, in whole or in part, on behalf of Global Axxess, pursuant to Local Civil Rule 1.3(c) of the United States District Court for the Southern District of New York.

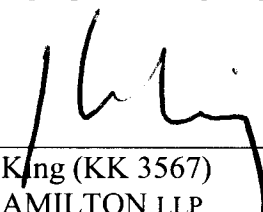
2. James H. Cummings is a partner at Smith, Gambrell & Russell, LLP. He is admitted to practice before the Middle District Court of Florida. He has been and is a member in good standing of the Florida Bar. His Certificate of Good Standing in the Florida Bar is annexed hereto as Exhibit A.

3. Pursuant to Local Civil Rule 1.3(c) of the United States District Court for the Southern District of New York, I request that James H. Cummings be permitted to argue or try the above-captioned case.

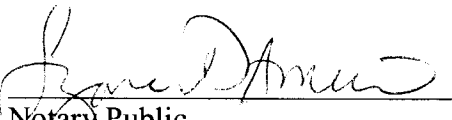
4. Attached as Exhibit C is a proposed Order granting this motion.

5. There has been no prior application in this case for the *pro hac vice* admission of James H. Cummings

WHEREFORE, it is respectfully requested that this Court grant James H. Cummings *pro hac vice* admission to the bar of this Court for the purpose of arguing and trying this case.

  
\_\_\_\_\_  
Kenneth J. King (KK 3567)  
PEPPER HAMILTON LLP  
620 8<sup>th</sup> Avenue, 37<sup>th</sup> Floor  
New York, NY 10018-1405  
(212) 808-2700

Sworn to before me this  
29<sup>th</sup> day of November, 2007.

  
\_\_\_\_\_  
Notary Public

**SUZANNE DAMICO**  
Notary Public, State of New York  
No. 02DA6176635  
Qualified in New York County  
Commission Expires Nov. 5, 20 11

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

GLOBAL ACCESS CORP.,

Plaintiff,

v.

GLOBAL ACCESS CORP.

Defendant.

NO. 07 CIV 9317

**ORDER FOR  
ADMISSION OF JAMES H.  
CUMMINGS *PRO HAC VICE***

## ORDER

On this \_\_\_\_ day of \_\_\_\_\_, 2007, upon the motion of Defendant Global Axxess Corp (“Global Axxess”) for an Order pursuant to Local Civil Rule 1.3(c) of the United States District Court for the Southern District of New York granting *pro hac vice* admission to James H. Cummings in connection with the above-captioned case, and upon consideration of the motion and the affidavit in support thereof, it is ORDERED that

James H. Cummings, Esq.  
Smith, Gambrell & Russell, LLP  
50 North Laura Street, Suite 2600  
Jacksonville, Florida 32202  
Phone: (904) 598-6127  
Fax: (904) 598-6227  
jcummings@sgrlaw.com

is granted *pro hac vice* admission to the bar of this Court for the purpose of participating in, arguing and trying this action. Counsel shall immediately apply for any ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov).

Dated: \_\_\_\_\_

\_\_\_\_\_  
Harold Baer  
United States District Judge



# The Florida Bar

JOHN F. HARKNESS, JR.  
EXECUTIVE DIRECTOR

651 EAST JEFFERSON STREET  
TALLAHASSEE, FLORIDA 32399-2300

850/561-5600  
WWW.FLORIDABAR.ORG

State of Florida )

County of Leon )

In Re: 27657  
James Harvey Cummings  
Smith Gambrell & Russell, LLP  
50 N. Laura St., Ste. 2600  
Jacksonville, FL

I HEREBY CERTIFY that I am the duly appointed custodian of membership records of The Florida Bar.

I FURTHER CERTIFY that the records in the office of the Clerk of the Supreme Court of Florida indicate that said attorney was admitted to practice law in the State of Florida on September 21, 2006.

I FURTHER CERTIFY that the records in the office of The Florida Bar indicate that the above attorney is a member of The Florida Bar in good standing.

Dated this 3<sup>rd</sup> day of December, 2007.

A handwritten signature in black ink that reads "Willie Mae Shepherd". The signature is written in a cursive, flowing style.

Willie Mae Shepherd  
Supervisor, Membership Records  
The Florida Bar

WMS/lvm40i:R10

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of December, 2007, a true and correct copy of the foregoing was served upon the persons listed below via U.S. Mail:

Joseph T. Johnson  
Eaton & Van Winkle, LLP  
3 Park Avenue  
New York, New York 10016

  
Suzanne D'Amico